

U.S. Department of Justice



DEC 18 2007

United States Attorney
Southern District of New York86 Chambers Street, 3rd Floor
New York, New York 10007

December 12, 2007

BY FEDERAL EXPRESSThe Honorable Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas St., Room 533
White Plains, NY 10601**MEMO ENDORSED**Re: Cardenas, et al. v. Phelps Memorial Hosp. Ctr., 07-CIV-11145 (KMK)(GAY)

Dear Judge Karas:

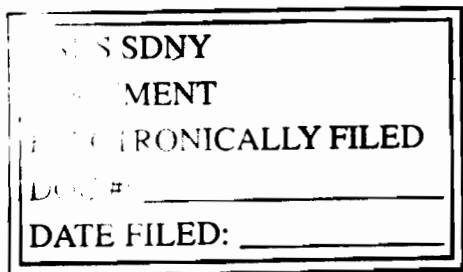
This Office represents the third-party defendants Open Door Family Medical Center and Ossining Open Door (collectively, "Open Door") in the above-referenced civil action, which was removed to this Court from New York state court on December 11, 2007. Under Rule 81(c)(2) of the Federal Rules of the Civil Procedure, Open Door has until December 16, 2007 to respond to Phelps Memorial Hospital Center's ("Phelps") third-party complaint. I respectfully request that the time for the Government to respond to that third-party complaint on behalf of Open Door be extended by 45 days to provide the Government with an opportunity to investigate fully the circumstances relevant to that third-party complaint. Counsel for Phelps and counsel for plaintiffs, Roger S. Cardenas and Eudocia Anguisaca, have consented to this request.

This is the Government's first request for an extension in this action. As no scheduling order has been entered, granting this request for an extension will not have an effect on any existing deadline in this action. I thank the Court for its consideration of this request.

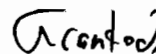
Respectfully,

MICHAEL J. GARCIA
United States AttorneyBy: 

LI YU

Assistant United States Attorney
Telephone: (212)637-2734
Facsimile: (212)637-2686cc: Rocco Conte, Esq. (By Facsimile)
O'Connor, McGuinness, Conte, Doyle & Oleson
One Barker Avenue, Suite 675
White Plains, NY 10601-1517

Counsel for Third-Party Plaintiff Phelps Memorial Hospital Center



SO ORDERED


KENNETH M. KARAS U.S.D.J.

12/17/07

James P. Fitzgerald, Esq. (By Facsimile)
Fitzgerald & Fitzgerald, P.C.
538 Riverdale Ave.
Yonkers, NY 10705
Counsel for Plaintiffs Cardenas and Anguisaca